

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|--------------------------|---|-----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CR. NO. 2:06CR285-WKW |
| |) | |
| DARRYL ANDRE KENNEDY |) | |

RESPONSE TO MOTION TO SUPPRESS

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and in response to the Discovery Order issued by this Honorable Court on February 28, 2007, the following is submitted:

1. The United States submits that all tape recordings made in this investigation that involve the Defendant Darryl Kennedy have been furnished. The United States further submits the United States does not possess tapes of superior quality than those furnished to the defendant. Where the tapes are not audible or do not aid a fact finder in determining the facts of a particular offense, the tape will not be used as evidence and the United States will then rely exclusively on the testimony of the witness.

2. The United States has complied with its discovery obligations. The undersigned has further discussed the discovery with Deborah Nickson and she is satisfied with the voluminous documents that have been furnished. She stated a concern only with the quality of the tape recordings of the transactions.

3. The United States has offered to make the case agent and the confidential witness available for a meeting with Attorney Nickson and/or her client should she wish to have such a meeting.

Respectfully submitted this the 7th day of March, 2007.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Kent B. Brunson
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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Deborah M. Nickson, Esq.

Respectfully submitted,

LEURA G. CANARY
UNITED STATES ATTORNEY

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